

#5

Customer No.: 26308

Docket No. 9593.18619-PCT US

## IN THE UNITED STATES DESIGNATED OFFICE (DO/US)

International Application No.: PCT/CH03/00074

International Filing Date: 01/29/2003

U.S. Application Serial No.: 10/506,942

Priority Date Claimed: 03/13/2002

Title of Invention: A Method for Applying Orthodontic Fastening Parts

Applicant(s) for DO/US: Christoph Von Mandach

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



26308  
PATENT TRADEMARK OFFICE

ATTENTION: DO/US

COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING NATIONAL  
STAGE IN U.S. DESIGNATED OFFICE (DO/US) UNDER 35 U.S.C. 371

(check and complete the following item, if applicable)

[ X ] This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. 1.494 (FORM PCT/CO/EO/905).

[ X ] A copy of FORM of PCT/DO/EO/905 accompanies this response.

**WARNING:** Filing requirements, including translation of the international application, the declaration, the national fee and the payment of all the surcharge(s) in connection with the filing of these items after twenty (20) months from the priority may be met within twenty-two (22) months from the priority date. Failure to comply with these requirements will result in abandonment. The provisions of 37 CFR 1.136 for extensions of time do not apply to the 22 month period. 37 CFR 1.61(b).

**NOTE:** The completion of the filing requirements within 22 months (instead of 20 months) from the priority date results from the Commissioner exercising his judgment under the authority granted under 35 USC 371(d). The filing receipt will show the actual date of receipt of the last item completing the entry into the national phase. See 37 CFR 1.491 which states: "An international application enters the national stage when the applicant has filed the documents and fees required by 35 USC 371(c) within the periods set forth in § 1.494 and § 1.495."

## CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Completion of Filing Requirements and the papers indicated as being transmitted therewith is being deposited with the United States Postal Service on this date 5 April 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 480414058 US addressed as follows: Mail Stop PCT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Julie A. Wolf

(type or print name of person mailing paper)

Julie A. Wolf  
Signature of person mailing paper

**NOTE.** Each paper or fee referred to as enclosed herein has the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 CFR 1.16(b).

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 CFR 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**NOTE** Documents and fees must be clearly identified as a submission to enter the national stage under 35 USC 371. Otherwise, the submission will be considered as being made under 35 USC 111.37 CFR 1.494(o).

## DECLARATION OR OATH

- I. ☒ [ X ] No original declaration or oath was filed. Enclosed is the original declaration or oath for this application.

**NOTE** For surcharge fee for filing declaration after filing date, complete item IV(2).

**NOTE** Acceptable minimums in the declaration in an ordinarily filed U.S. application for identification of the specification to which it applies are the name of the inventor and (1) serial number, (2) attorney docket number that was on the application as filed and the filing date, (3) title of the invention and filing date, (4) title of invention and reference to a specification that is attached to the declaration at the time of execution and filed with the declaration, or (5) title of invention and a statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration. If identification (4) is used, it must be accompanied by a statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date. Such a statement must be a verified statement if made by a person not registered to practice before the PTO. Notice of September 12, 1983 (1035 O.G. 3).

**NOTE** Another minimum found acceptable in the declaration is the filing date (i.e., date of express mail) and the express mail number, useful where the serial number is not yet known. But note the practice where the express mail deposit is a Saturday, Sunday or holiday within the District of Columbia. 37 CFR 1.10(c).

**NOTE** 37 CFR 1.41(a) points out that "Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial."

(complete (a) or (b), if applicable)

Attached is a

- (a) ☒ [ X ] Statement by a registered attorney that the application filed in the PTO is the application that the inventor executed by signing the declaration.
- (b) ☐ [ ] Statement that the "attached" specification is a copy of the specification and any amendments thereto that were filed in the PTO to obtain the filing date.

## AMENDMENT

(complete as applicable)

- II. ☐ [ ] An amendment in accordance with 37 CFR § 1.121 is attached.
- ☐ [ ] The attached amendment cancels claims \_\_\_\_\_ inclusively.

## TRANSMITTAL OF ENGLISH TRANSLATION OF NON-ENGLISH LANGUAGE PAPERS

- III. ☐ [ ] Submitted herewith, is a English translation of the non-English language international application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO. (See 37 CFR 1.494(b)(2)).

**NOTE:** For fee for processing a non-English application, complete item IV(4).

**NOTE:** A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

**NOTE:** Unlike the filing of an ordinary non-English application (37 CFR 1.52(d)), the translation of an international application entering the U. S. national phase need not be verified. 37 CFR 1.494(e). If necessary, however, a verified translation may be required. 37 CFR 1.494(e). Moreover, if the English translation is filed within 20 months from the priority date, no processing fee is required.

## FEES

### IV.

**NOTE:** The filing fees, fees for claims, and surcharge fees listed below in items 1 and 2 are reduced by 50%, where proof of a small entity status is established on or before the date the fee is paid. If the full fee was paid, but a verified statement is filed within 2 months of the date of timely payment of a fee, then the excess fee paid will be refunded on request. 37 CFR 1.28(a).

#### 1. Fees for claims

- ☐ Each independent claim in excess of 3  
(37 CFR 1.492(b)-\$200.00; Small entity-\$100.00) \$ \_\_\_\_\_
- ☐ Each claim in excess of 20  
(37 CFR 1.492(c)-\$50.00; small entity-\$25.00) \$ \_\_\_\_\_
- ☐ Multiple dependent claim(s)  
(37 CFR 1.492(d)-\$360.00;  
small entity-\$180.00) \$ \_\_\_\_\_
- ☐ National Stage Application Size Fee  
For each additional 50 sheets that exceeds 100  
sheets - (\$250.00; small entity - \$125.00) \$ \_\_\_\_\_

#### 2. Surcharge fees

- ☐ Surcharge set forth in § 1.492(e), for accepting the declaration later than 20 months after the priority date in filing an application in the U.S. as a designated office  
\$130.00; small entity-\$65.00 \$ \_\_\_\_\_
- ☒ The surcharge for late filing of the oath or declaration was previously paid.

3. ☐ petition and fee for filing by other than all the inventors or a person not the inventor  
(37 CFR 1.17(h) and 1.47-\$130.00) \$ \_\_\_\_\_

**NOTE:** The processing fee in the next item (Number 3) below is not subject to a reduction for small entity status.

#### 4. Processing fees

- ☐ Processing fee set forth in § 1.492ft for acceptance of an English translation later than 20 months after the priority date-\$130.00 \$ \_\_\_\_\_

Total fees \$ 0.00

### SMALL ENTITY STATUS (Check if Appropriate)

- V. ☒ The applicant is a Small Entity and is entitled to Small Entity Status.

## EXTENSION OF TIME

(complete (a) or (b), as applicable)

VI. The proceedings herein are for a patent application. The provisions of 37 CFR § 1.136(a) apply.

(a) Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a)(1)-(5), for the total number of months checked out below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1020.00	\$510.00
<input type="checkbox"/> four months	\$1590.00	\$795.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefore.

(check and complete the next item, if applicable)

☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

(b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

VII. The total fee due is:

Completion fee(s)	\$ _____
Extension fee (if any)	\$ _____
<b>TOTAL FEE DUE</b>	<b>\$ 0.00</b>

## PAYMENT OF FEES

VIII.

☐ Enclosed is a check in the amount of \$ \_\_\_\_\_  
☐ Charge Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_  
A duplicate of this request is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

**AUTHORIZATION TO CHARGE ADDITIONAL FEES**

**IX.**

**WARNING:** *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges if extra claims are authorized.*

**WARNING:** *"Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed" (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).*

☒ The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper, and during the entire pendency of this application, to Account No. 06-2360.

☒ 37 CFR 1.492(a)(2), 1.492(a)(3), or 1.492(a)(5) (filing fees)

☒ 37 CFR 1.492(b) (presentation of extra claims)

**NOTE** *Because additional fees for excess or multiple dependent claims not paid on filing, or on later presentation, must only be paid, or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.*

☒ 37 CFR 1.17 (application processing fees)

**WARNING:** *While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 CFR 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).*

☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b)).

**NOTE.** *Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).*

**NOTE.** *37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying . . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.*

☒ 37 CFR 1.492(e) and (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 20 months from the earliest claimed priority date)

**WARNING** *It is suggested that you always check this last authorization.*

**SIGNATURE OF ATTORNEY**



SIGNATURE OF ATTORNEY

Reg. No. 38,957  
Telephone No.: (262) 783 - 1300  
Customer No.: 26308

John M. Manion

*Type or print name of attorney*

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/506,942	Christoph Von Mandach Mandach	9593.18619-PCT US

INTERNATIONAL APPLICATION NO.	
PCT/CH03/00074	
I.A. FILING DATE	PRIORITY DATE
01/29/2003	03/13/2002

26308  
 RYAN KROMHOLZ & MANION, S.C.  
 POST OFFICE BOX 26618  
 MILWAUKEE, WI 53226

COPY

DOCKETED  
 DUE: 4/25/2005  
 CLERK: [Signature]

CONFIRMATION NO. 6984  
 371 FORMALITIES LETTER  
  
 \*OC000000015264499\*

Date Mailed: 02/25/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/08/2004
- English Translation of the IA filed on 09/08/2004
- Copy of the International Search Report filed on 09/08/2004
- Preliminary Amendments filed on 09/08/2004
- Information Disclosure Statements filed on 09/08/2004
- Request for Immediate Examination filed on 09/08/2004
- U.S. Basic National Fees filed on 09/08/2004
- Substitute Specification filed on 09/08/2004
- Priority Documents filed on 09/08/2004

MAR - 4 2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/506,942	PCT/CH03/00074	9593.18619-PCT US

FORM PCT/DO/EO/905 (371 Formalities Notice)